

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 24-5199-DOC (AS)	Date	May 2, 2025
Title	<i>Anthony E. West, v. Calandra Williams, Alfredo Zendejas, and Jesus Flores</i>		

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Present: The Honorable	Alka Sagar, United States Magistrate Judge
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Alma Felix

N/A

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Deputy Clerk

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Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

N/A

N/A

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY DEFENDANTS  
SHOULD NOT BE DISMISSED OR TO PROVIDE  
ACCURATE/SUFFICIENT SERVICE INFORMATION**

On January 31, 2025, Plaintiff Anthony West, a California resident who is proceeding *pro se* and has been granted leave to proceed *in forma pauperis* (“IFP”), filed a First Amended Complaint pursuant to 42 U.S.C. § 1983, naming three Defendants: parole agent Calandra Williams, and parole unit supervisors, Alfredo Zendejas and Jesus Flores. (Docket (“Dkt.”) No. 17). On March 6, 2025, the Court issued an Order Re Service of Process directing Plaintiff to complete and return to the Clerk of the Court a USM-285 form for each of the three Defendants, supplying, among other things: a first and last name for each Defendant; the Defendant’s identification number, if available; and a complete street address where each Defendant can be served. (Dkt. No. 20). Plaintiff was also directed to return a separate USM-285 form for each capacity in which each Defendant was being served. *Id.* Plaintiff thereafter filed a “notice of submission of documents to court clerk for forwarding to the United States Marshal indicating that he was sending six (6) completed USM-285 forms but only returned two USM-285 forms – naming Defendant Calandra Williams, one for Defendant Williams in her individual capacity and one for Defendant Williams in her official capacity. (Dkt. No.24). Accordingly, the United States Marshal’s Service (“USMS”) is unable to effect service upon Defendants Zendejas and Flores because Plaintiff has failed to submit the required USM-285 forms for service..

Rule 4(m) of the Federal Rules of Civil Procedure provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the Court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the USMS for service and should not be penalized by having his action dismissed for failure to effect service where the USMS has failed to perform its duties. Fed.R.Civ.P.4(c)(3) (the court must order the Marshals Service to

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serve if the plaintiff is authorized to proceed IFP). Nevertheless, a plaintiff relying upon the USMS for service must provide the necessary information to effectuate service. Id. Where a *pro se* plaintiff fails to provide the USMS with accurate and sufficient information to effect service of the summons and complaint, a court may dismiss the unserved defendant *sua sponte*. Walker v. Sumner, 14 F.3d 1415, 1422 (9th Cir. 1994), abrogated on other grounds by, Sandin v. Connor, 515 U.S. 472 (1995). Here, as noted, Plaintiff has not provided any information for the USMS to serve Defendants Zendejas and Flores.

IT IS THEREFORE ORDERED that no later than **May 30, 2025**, Plaintiff shall either (1) show good cause in writing, if any exists, why this case should not be dismissed as against Defendants Zendejas and Flores based on Plaintiff's failure to provide accurate and sufficient information to enable the USMS to effect service of the summons and Complaint upon such Defendants; or (2) supply the Court with information sufficient to effect service upon such Defendants.

**Plaintiff is cautioned that the failure to comply with this Order, and/or to show good cause or to provide sufficient information to effect service upon Defendants Zendejas and Flores may result in the dismissal of this action as against such Defendants for failure to comply with the Court's Order, failure to provide accurate and sufficient information to effect service of the summons and Complaint upon such Defendants, and/or failure to prosecute such Defendants.**

**IT IS SO ORDERED.**

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